

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

IN RE: CAPITAL ONE CONSUMER)
DATA SECURITY BREACH) MDL No. 1:19md2915 (AJT/JFA)
LITIGATION)
_____)

This Document Relates to ALL Cases

NOTICE

Canon 3C(1) of the Code of Judicial Conduct prescribes when a judge is required to recuse himself for any reason in which his impartiality might reasonably be questioned. Specifically, a judge must recuse himself in cases where he has a “financial interest in the subject matter in controversy . . . that could be affected substantially by the outcome of the proceeding.” *See* Canon 3C(1)(c). Subsequent advisory opinions have clarified that a “debt security” is not considered a financial interest “because the debt obligation does not convey an ownership interest in the issuer.” *Advisory Opinion No. 101*. Therefore, a judge is not required to disqualify himself solely “because a party in a matter before the judge is a corporation or governmental entity that has issued a debt security owned by the judge.” *Id.* This understanding has been applied in this Circuit. *See Ausherman, et al. v. Bank of America Corp.*, 216 F. Supp. 2d 530 (D. Md. 2002), *aff’d*, 352 F.3d 896 (4th Cir. 2003).

With this background and out of an abundance of caution, I am informing counsel and the parties that I have a Capital One Visa Signature credit card. If, at any point in time, it becomes evident that I could become a member of any class in this proceeding, I will disavow any and all

interest and I shall not become a member of any class or otherwise have a financial interest in the outcome of this proceeding.

DECEMBER 4, 2019

Alexandria, Virginia

/s/ JFA
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge